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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 VICTOR PEDRO TORRES-AYON,
12 Defendant-Petitioner,
13 v.
14 UNITED STATES OF AMERICA,
15 Respondent.
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CASE NO. 13-CV-0447 W
11-CR-4786 W

**ORDER DENYING
MOTION FOR SENTENCE
RELIEF [DOC. 47]**

17 Pending before the Court is Petitioner Victor Pedro Torres-Ayon's Motion for
18 Sentence Relief Under the Federal Prison Bureau Non-Violent Offender Relief Act of
19 2003 (the "Motion" [Doc. 47]). The Court has reviewed the Motion, as well as the
20 relevant records on the docket.

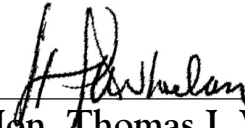
21 The record establishes that on October 30, 2012, Petitioner entered into a Plea
22 Agreement, and waived both his right to appeal and collaterally attack his conviction
23 and sentence. (*Plea Agreement* [Doc. 38] ¶ XI.) The Motion does not raise any
24 challenge to the validity of that waiver. Additionally, having reviewed the Plea
25 Agreement, the Court finds that Petitioner knowingly and voluntarily waived his right
26 to appeal and collaterally attack his sentence. This Court, therefore, lacks jurisdiction
27 to consider any collateral challenge to his conviction and sentence. See Washington
28 v. Lampert, 422 F.3d 864 F.3d 864, 869–70 (9th Cir. 2005) (recognizing that if

1 sentencing stipulation's waiver of the right to file a federal habeas petition was valid,
2 district court lacked jurisdiction to hear the case).

3 Accordingly, the Court **DENIES** the Motion [Doc. 47].

4 **IT IS SO ORDERED.**

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6 **DATED: April 11, 2013**

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9 Hon. Thomas J. Whelan
10 United States District Judge
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